

REGIONAL PARKS

EAST BAY REGIONAL PARK DISTRICT

July 1, 1998

CALFED Bay-Delta Program
Attn: Rick Breitenbach
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

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RE: CALFED Bay Delta Program draft EIS/EIR

Dear Mr. Breitenbach:

Thank you for providing the East Bay Regional Park District ("District") with a copy of the fifteen-volume Draft EIS/EIR and twenty volumes of supporting studies for the proposed CALFED Bay-Delta Program. We have reviewed these documents and offer the following comments for your consideration in preparing the revised draft EIS/EIR:

RECREATION

This programmatic EIS/EIR is inadequate in that it did not address impacts to, nor provide adequate mitigation for water- and land-based recreation. For example, channel and levee improvements may adversely affect existing boat marinas at several locations. This impact and mitigation for this impact needs to be fully addressed and mitigated in the EIS/EIR. Public access points to waterways may also be restricted by some project elements and mitigation measures. Mitigation for loss of public access needs to be provided.

Many of the proposed project elements would adversely affect land-based existing recreational facilities or would preclude or substantially restrict planned recreation facilities. For example, existing levees in some areas are currently used or are planned to be used as shoreline trails. Construction of new set-back levees may adversely affect these facilities. New levees should provide for this lost usage. Trail facilities may also be displaced by reservoir inundation, or pipeline or channel construction. These impacts should also be fully addressed and mitigated for by this project. Potentially suitable mitigation measures could include acquisition and protection of open space and purchase of trail rights-of-way or easements.

Recreational demand in urbanizing areas surrounding the Delta continues to overburden recreational providers. Water related recreation, including camping, boating, fishing and trail use are all critical issues for any Delta-urban interface planning efforts. CALFED should be required to improve recreational use and Delta access as a part of any significant Delta fix.



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Proposed Parks and Trail Facilities. I have enclosed a copy of the District's 1997 Master Plan map which shows the location of all proposed regional park and trail facilities within Alameda and Contra Costa Counties which are contemplated for the ten year planning period of the Master Plan. In particular, the proposed parks shown as "Pittsburg/Antioch", "Delta Recreation", "Delta Access" and "Bethany Reservoir" are of greatest concern in terms of how they may be directly affected or potentially precluded by in-Delta elements of the CALFED project. Several proposed regional trails may also be adversely affected by in-Delta project elements, including the Marsh Creek Trail to Rock Slough, Marsh Creek Trail to Delta, Marsh Creek Trail to Discovery Bay, Big Break Shoreline and Rock Slough to Bethany Reservoir trails. Off-aqueduct storage options at an Expanded Los Vaqueros Reservoir also have the potential to affect several other existing regional parks and proposed trails which are discussed separately below.

Los Vaqueros Reservoir. The potential expansion of the Los Vaqueros Reservoir is one of several reservoir development projects identified in the draft EIS/EIR. The District currently owns and operates three regional parks which are adjacent to the Los Vaqueros Watershed. We are concerned that possible expansion of this reservoir will result in adverse impacts to three proposed regional trails in this watershed. The Los Vaqueros Resource Management Plan (Recreation Alternatives) prepared by the Contra Costa Water District (CCWD) identifies approximately 40 miles of public recreational trails, including the Morgan Territory to Round Valley, Round Valley to Los Vaqueros, and Morgan Territory to Brushy Peak Regional Trails. These three trails are also identified in the District's 1997 Master Plan.

These regional trails represent critical linkages between Contra Costa and Alameda County and between major public parkland and open space areas. Without even considering the impact on wildlife use of the area, public access would be severely limited by such an expansion of the reservoir. If the CALFED alternative for enlarging Los Vaqueros were chosen it would have a major impact on not only the trail circulation within the existing Los Vaqueros watershed but would also potentially eliminate the opportunity to physically make the connections necessary to complete the planned regional trails.

Lands which are purchased and set-aside to protect the expanded watershed of the expanded reservoir will undoubtedly have restrictions placed upon them, in terms of compatible uses. In some instances, this may mean that a greater recreational burden will be shifted to nearby parklands and public open space. In some instances, this demand may be accommodated by existing facilities, however in other instances, increased demand for recreational facilities will lead to inevitable conflict with increased needs for wildlife habitat displaced by reservoir expansion. This potentially significant impact was not adequately addressed in the draft EIS/EIR.

Contra Loma Reservoir. The District operates its second largest recreational swimming facility at Contra Loma Reservoir in Contra Costa County. Although not addressed in this draft EIS/EIR, there are plans for Contra Loma Reservoir to be used as part of CCWD's regular water supply system, which would include the existing and expanded Los Vaqueros Reservoir.

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Currently, CCWD is preparing an EIR/EIS to address the potential impacts resulting from the change in use of Contra Loma Reservoir. As originally proposed, this change would have resulted in the prohibition of body contact with water at Contra Loma. CCWD's current proposal calls for the construction of a swimming lagoon in a portion of the reservoir. We are concerned that if Los Vaqueros Reservoir is expanded from its current 100,000 AF to the proposed 1,000,000 AF, there would be renewed pressure to again prohibit body contact with water at Contra Loma. This would be a significant effect of Los Vaqueros expansion on recreational swimming and wind surfing at Contra Loma.

WILDLIFE RESOURCES

We find this draft Programmatic EIS/EIR has inadequately addressed the potential impacts to wildlife resources. For example, in the "CALFED Storage and Conveyance Component Facility Description and Cost Estimate Reports", an initial discussion of possible impacts to San Joaquin kit fox is provided regarding the proposed Los Banos Grandes reservoir enlargement, however this endangered species was not discussed in the section regarding the proposed Los Vaqueros enlargement where this species is known to be present. The impacts to wildlife species must be fully assessed in the Revised Draft EIS/EIR.

Mitigation Costs. It should be noted that inundation of Los Vaqueros reservoir to the 1,000,000 AF level would inundate lands which were set aside for mitigation for the original 100,000 AF reservoir. Any further inundation must first re-mitigate for the original impact, then for the additional inundation. This need could be in excess of 10,000 acres, which would remove a considerable amount of acreage from the tax rolls of Contra Costa County.

Since it is noted that mitigation costs were not included in the cost estimate, every reasonable effort should be made to include environmental documentation and mitigation costs in the Revised Draft EIS/EIR. These mitigation costs should include proposed inundated lands, pipelines, and all other elements in the proposed systems. Such large-scale mitigation land acquisitions will most likely require condemnation and result in land speculation and increased costs for land. Every effort should be made to use realistic land prices since cost is a determinant in which alternatives are selected for further evaluation, including the cost of mitigation.

Mitigation Feasibility. In this draft Programmatic EIS/EIR, the text in the report at 7.2.2.7 states that:

"After mitigation strategies are developed into site-specific mitigation measures and applied, some unavoidable significant impacts may remain. These are identified below. It is assumed that any storage facilities would be located to avoid significant impacts to listed/proposed species and habitat or to rare natural communities. These impacts are therefore considered avoidable."

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However, this statement is followed, on the same page, by a contradictory statement that suggests that significant, unavoidable impacts will occur:

"Sacramento River and San Joaquin River Regions: Under Alternatives 1, 2, and 3, existing riparian habitat corridors could be permanently fragmented as a result of inundation of offstream (*off-aqueduct?*) storage reservoirs, potentially blocking the movement and interchange of populations of some wildlife species from upper to lower watershed locations. This impact could not be mitigated. Therefore, this impact was considered a significant unavoidable impact."

If significant unavoidable impacts are anticipated, these impacts should be discussed at the Programmatic EIS/EIR level, and not deferred until decisions have already been made about which alternative to pursue. Additionally, a more detailed explanation of number of acres which will be affected by each proposed component should be included in the Revised Draft EIS/EIR.

WATER QUALITY

A major component of CALFED should be improvement of water quality, and control of urban and agricultural runoff. CALFED should make it a high priority to mitigate water quality impacts from increased urbanization adjacent to waterways and Delta islands. The purchase of undeveloped upland areas to buffer the Delta from urban development should be an important element of any restoration and water quality improvement program. The purchase of agricultural land alone will not resolve the water quality problems associated with runoff from urban development.

CULTURAL RESOURCES

The section regarding Los Vaqueros Reservoir in "CALFED Storage and Conveyance Component Facility Description and Cost Estimate Reports" states that there are 43 significant prehistoric sites and 32 significant prehistoric/historic sites. Since most sites are located along water courses, we can only assume that enlargement of this reservoir will cause these sites to be inundated or otherwise disturbed, the impact thereby being "significant and unavoidable". No mention of this was made in the document and this impact should be included in the Revised Draft EIS/EIR.

ERRATA

"Table 5-3 - Possible Land Area Affected By Ecosystem Restoration" lists various habitat types, such as seasonal wetland, riparian, etc., which will be affected by the program. In Bay Region, Perennial grassland is listed as 22,000 - 28,000 acres. However, the total in that column is also listed as 22,000-28,000. Is the total incorrect, or is the Perennial grassland figure incorrect? We can only assume that Los Vaqueros is considered in the Bay Region because Perennial grassland

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affected in the San Joaquin River region is shown as zero. Affected acreage should be clarified in the Revised Draft.

There are inconsistencies in the naming of areas in which each proposed component is included. In the instance mentioned in the paragraph above, we can assume that Los Vaqueros Reservoir is included in the "Bay Region", whereas in the Vegetation and Wildlife section, we cannot assume that Los Vaqueros Reservoir is included in the Bay Region since that area is stated to have "no significant unavoidable impacts" and we know this is not true. The Revised Draft should better define these "named" areas and be consistent in which project components are included in each.

HABITAT CONSERVATION PLAN

It is our understanding that CALFED is planning to prepare a programmatic Habitat Conservation Plan (HCP) for impacts to listed species. We could find no reference to the HCP proposal in the text of the Draft EIS/EIR to corroborate this understanding. Is CALFED planning to prepare a programmatic IICP or would specific IICPs be done on a case-by-case basis for the specific elements of the project which may be eventually implemented?

There are currently several HCP and Natural Community Conservation Plans (NCCP) that are being planned, prepared or are in place that would address species and geographic locations potentially affected by the CALFED project elements. We recommend that if CALFED is planning to prepare an HCP that it plan on including these other efforts into its programmatic HCP process.

Within Alameda and Contra Costa Counties there are currently several biological diversity planning and HCP/NCCP planning efforts underway. Most significant amongst these, in terms of its relationship to CALFED, is the proposal for an eastern Contra Costa County HCP/NCCP to address impacts to listed and candidate species within the communities of Brentwood, Antioch, Pittsburg and Byron, but could also include the Los Vaqueros Watershed and several regional parks, including Black Diamond Mines, Contra Loma Reservoir, Round Valley, Morgan Territory and Vasco Caves. All of these areas may also be included within a CALFED IICP planning area and should be considered if such an effort is undertaken by CALFED.

PROGRAM FOCUS

The main purpose of the CALFED program is to restore water quality in the Delta so that more water can be stored and shipped to southern California users. This approach simply provides a greater supply source and makes no attempt to alter water usage. Part of the CALFED Bay Delta Program should be public outreach and education for conservation related to the Delta ecosystem, water quality and agricultural use. Since agricultural users are by far the most water-intensive users benefitted by this program, it should provide research to agricultural entities for more effective water usage, thereby decreasing future demand.

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If you have any questions regarding this comments, please contact Susan Canale, Resource Analyst, at 510-635-0138 extension 2603. Please forward the Revised Draft EIS/EIR and continue to forward all other correspondence to me. We anticipate making more detailed comments on the Revised Draft, assuming that it provides an increased level of detail. Thank you for the opportunity to comment on this document.

Sincerely,



Brad Olson

Environmental Specialist

cc: EBRPD Board of Directors
Pat O'Brien, General Manager
Bob Doyle, Assistant General Manager
Ted Radosevich, District Legal Council
Greg Gartrel, CCWD